

Renton Shoreline Master Program- Comments on the October, 2009 Public Hearing Draft SMP with Responses				
Code Section October 2009	Commenter	Date	Comment	Response
General	Debi Eberle	10-21-09	Supports the SMP and the vegetation conservation buffers.	No change made.
General	David Halinen	10-21-09 and 10-30-09 and 11-05-09	Submittal of excerpts from the Marysville Shoreline Master Program, with sections highlighted regarding the following subjects: High-intensity environment, shoreline uses, shoreline modifications, shoreline stabilization, commercial development, and residential development. The provisions in the Marysville SMP differ from the proposed provisions in the Renton SMP in these areas, and closer to what would be reasonable for the old Stoneway site. The Marysville SMP was approved by Department of Ecology.	No change made. Jurisdictions around the state are required to update their Shoreline Master Program based on information collected in a shoreline inventory and analysis that is unique to each community. SMPs are supposed to be more than just a collection of development standards, but a program that uses the available information to create a program that results in no net loss as a whole. The information in Marysville's Inventory and Analysis supported a set of policies and regulations that was appropriate for that community. Specific standards from other jurisdictions' SMPs may be less restrictive or more restrictive than the standards proposed for Renton. Renton's SMP will be based on the information in the City's Shoreline Inventory and Analysis and community decision making about how to achieve no net loss.
General	David Halinen	11-05-09	Background information and professional reports on conditions at the old Stoneway site.	No change made. Such reports are appropriate at the project level of review.
General	David Halinen	11-05-09	RCW 82.02.020 and regulatory takings doctrine provide substantive limits on the City's authority to enact and enforce SMP regulations. Regulations that require removal of the bulkhead violate the nexus and rough proportionality tests and would be unlawful and unconstitutional. <i>Citizens' Alliance for Property Rights v. Sims</i> shows that the City has the burden of proving both nexus and rough proportionality.	We do not believe that the provisions of RCW 82.02 regarding dedication and fees are relevant to buffers established to protect specific ecological functions and required by the Shoreline Management Act and WAC 173-26. It is relevant to note that there is no case law applying the provision of RCW 82.02.020 in relation to buffers.
General	Dr. Kindig	11-05-09	Dr. Kindig responds to the City's responses to his letter of September 8, 2009.	Comments noted.
General	Michael Christ	10-30-09 and 11-05-09	The entire upland storm water conveyance including Boeing, the Landing and other properties is approximately 300 acres. The final outfall is located at the border of Boeing and the Southport property. This outfall needs to be preserved. Do not allow the harbor to get silted in.	Although the proposed SMP includes a policy change intended to transition the shorelines away from bulkheads, it does not recommend the removal of any specific bulkhead. Erosion is one factor that is considered in deciding whether a bulkhead can be removed or not. The SMP specifically prioritizes this area for public access. The Southport site in particular is subject to a master plan that includes development proposed to be completed by 2015, and which can be extended to 2025.
General	Michael Christ	11-05-09	Comments related to the responses on the environmental checklist. It is not acceptable to require the removal of bulkheads when minor and moderate remodeling projects are proposed. Coulon Park could easily lose the benefits of their improvements. People in other areas should not become non-conforming uses because they have significant investment within 200 ft. of the waterfront which must be respected and allowed to continue. The loss of conformity may result in difficulties in financing and insuring structures. Some areas do not and cannot contain vegetation buffers such as in high intensity redevelopment sites and portions of the park. The removal of the outfall flume in front of Boeing and Southport would probably impair the navigational quality and moorage facilities to the Southport harbor due to the inevitable redirection of siltation. The SMP is exceeding the legal requirement beyond a no net loss principal and will most surely affect the public and private property rights and navigational properties of those reaches described in the inventories.	Comments noted. Bulkheads and adjacent ornamental vegetation have been identified as having adverse effects on fish and other species in the near shore. The Southport area is designated for primarily public access. Washington DNR has applied for salmon enhancement funds to remove part of the existing vertical flume along public aquatic lands. The details are a design and not a planning issue.
General	Michael Christ	11-05-09	Unrestricted construction on privately owned or publicly owned shorelines is a false statement, it does not exist. The need to protect private property rights is violated in this draft- loss of vesting rights, loss of buildable land and the potential for losing existing uses and built properties which may become nonconforming uses in the future. It is critical to preserve the current shoreline protection and improvement and other aspects of it in reaches G, H, and I.	Comments noted. The proposed SMP strikes a balance between many public interests, including property rights and ecological values.
General	Michael Christ	11-05-09	Language should be clear that water oriented uses include water enjoyment uses, creating more consistency in the policy. Craft it in such a way that the water access is incorporated but other desired conditions are not	Definition of water-oriented use in proposed chapter RMC 4-11 includes water enjoyment use.

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			protected nor become non-conforming.	
General	Michael Christl	11-05-09	Water oriented and water enjoyment uses are important and should be incorporated in the SMP to that public access meets these requirements. View corridors should be contemplated by the land use code, as they may or may not work in all instances. Allow for water access by the public.	Comments noted. Public access is provided in the SMP based on opportunities in specific reaches.
General	Larry Martin	11-05-09	The proposed prohibition on dredging of the May Creek delta has impacts on the private property rights of the Cugini family and would constitute a physical occupation of the property and an unconstitutional takings.	Comment noted. The proposed SMP strikes a balance between many public interests, including property rights and ecological values.
General	Larry Martin	11-05-09	Sediment build-up in May Creek has been highly affected by development and is not a natural process.	Comment noted. This issue is addressed in WAC 173-26-201(2)(c) Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. For example, an intensely developed harbor area may also serve as a fish migration corridor and feeding area critical to species survival. Also, ecosystems are interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with the shoreline depend on the health of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.
General	Larry Martin	11-05-09	The Shoreline Management Act assigns a high priority to both preserving ecological functions and fostering appropriate shoreline uses. These values are in competition. Regulators must seek a reasonable balance. Allowing limited dredging for the purpose of maintaining access is a reasonable balancing of interests. Department of Ecology's approval of Redmond's SMP is an endorsement of balancing of interests by local government.	Comments noted. The proposed SMP strikes a balance between many public interests, including property rights and ecological values. The Renton SMP is based on specific ecological conditions identified in the Inventory/Characterization.
General	Lisa Collins, Jack Paauw, Jacky Nelson, Emmanuel Bass, Ryan DeLorie, Kellina McGurr, Tavinder Sahota, Regina Ousley, Dragan Jagnjic, James and Randi Carnaghi, Douglas Wolf, Thomas Read, Jim Hambuechen, Lana	11-03-09 and 11-04-09 and 11-05-09	The dock and flume at the Southport site are an important location for public access, commercial and recreational boating operations, and community events. These activities bring revenue to the City of Renton. Removal of shoreline protection at the south end of Lake Washington would result in erosion and siltation of the only deep water harbor in Renton, resulting in loss of navigability. This area does not need to do more to create a wildlife refuge.	Although the proposed SMP includes a policy change intended to transition the shorelines away from bulkheads, it does not recommend the removal of any specific bulkhead. Erosion is one factor that is considered in deciding whether a bulkhead can be removed or not. The SMP specifically prioritizes this area for public access. The Southport site in particular is subject to a master plan that includes development proposed to be completed by 2015, and which can be extended to 2025.

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	Getubig, Julia Peckham, Evgueni Samochine, Maria Martinez, Adam Bates			
General	Charlie Conner and Anne Simpson	11-01-09	The requirement that future subdivisions of more than four lots provide public access as well as view corridors and the requirements to plant native vegetation, making that portion of property unavailable for the active use and enjoyment of the property is a taking for a public purpose without compensation.	No change made. WAC 173-26-211(5)(f)(ii)(B) specifies that residential development should provide public access and joint use facilities for community recreation.
General	Charlie Conner and Anne Simpson	11-01-09	The call to acquire more property for water access increases the tax burden on remaining private property and increases costs to the public. The cities ratio of park and public access waterfront to total waterfront appears to be greater than 10% and is probably higher than any other city on Lake Washington.	Comment noted. Providing public access to the shoreline is one of the SMA's major policy goals that must be provided for in the SMP. This goal must be balanced with the other policy goals of the SMA, including utilization of the shoreline for economically productive uses and protection and restoration of ecological functions.
General	Charlie Conner and Anne Simpson	11-01-09	Waterfront property owners pay taxes that are exponentially higher than upland property owners because of the opportunities for direct access and use of the lake. New policies for reduced dock size and restricted use due to buffers seriously infringe on the utility of the properties affected.	No change made. WAC 173-26-231(3)(b) acknowledges that piers and docks for single-family residences are allowed, but that they should be limited to the minimum size necessary. For single-family residences, buffer sizes are based on a sliding scale according to lot depth and reduce standard 100 ft. buffer size, to allow for reasonable use of private property. Properties that are limited by physical constraints also have the option of applying for a variance if unable to establish the required buffer.
General	Anne Simpson	11-03-09	This proposed master plan is unreasonable and places unjustified burdens on lake front property owners. Shoreline owners pay extraordinary taxes, some of which go to Renton's exceptional waterfront parks so others can enjoy the lake. The proposed SMP is about taking property and property rights from the legal owners. Requirements to give up an average of more than 50% of their lake side property to natural vegetation with no suggestion of tax relief or even verbiage on how they get to their beach or dock sounds like free eminent domain. It is unreasonable to restrict docks and the financial burden and "hoop jumping" on lakeshore owners is simply unfair. Why does the policy change float planes from an allowed use to a conditional use?	Comments noted. See the three responses immediately above. Correction made to 4-3-090.D.3. Seaplanes are currently an allowed use and should remain so.
Objective SH-B	Charlie Conner and Anne Simpson	11-01-09	This objective requires that new or redevelopments "do not cause a net loss of shoreline ecological function." Yet much of the content of the draft plan requires even minor redevelopment to add to the "ecological functionality" yet the studies referenced in the Biological Evaluation of our Odyssey Dock Project 10-27-9 do not show a correlation between what is contemplated or restrict to specie migration or mortality.	Comment noted. One of the major principles of the SMP is protection and restoration of the ecological function of shoreline natural resources, in RCW 90.58.020. Protection of ecological function extends beyond protection of a particular species, but includes a number of functions, some of which are listed in WAC 173-26-201(3)(d)(i)(c).
Policy SH-6	Michael Christ	11-05-09	Removal of the Shuffleton outfall will result in sedimentation of the Southport harbor and violate this policy.	Comment noted. Washington DNR has applied for salmon enhancement funds to remove part of the existing vertical flume along public aquatic lands. The details are a design and not a planning issue. Speculation about sedimentation is unwarranted at this time.
Policy SH-10	Michael Christ	10-30-09 and 11-05-09	Harbor areas in Renton do not have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities to warrant reservation for commercial port and related uses. This policy is particularly important where ecological restoration is not possible.	Comment noted.
Policy SH-27	Michael	11-05-09	Language should be clear that currently vested uses and built multifamily structure is acceptable as far as its	Comment noted.

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	Christ		use. Reach I should contain language that preserves these uses at Southport. In reach J ecological restoration could condemn structures and building desired. Maintenance and preservation is important to think about.	
4-3-090.D.4	David Halinen	10-30-09	Lack of allowance of land uses permitted in the underlying COR zoning in the High Intensity Overlay district.	No changes made. 4-3-090.D.4.d adopts the use regulations from the underlying zoning.
4-3-090.D	Bill Stalzer	11-05-09	The reference to section 8.01 is incorrect and should be corrected, and the last sentence should be modified as follow to recognize the acceptability of varied solution near the water as allowed elsewhere in the SMP Update: “Uses adjacent to the water’s edge and within buffer areas established in Section ????? are reserved for water-oriented development, public access, and/or ecological enhancement.”	Reference to section 8.01 corrected to be section 4-3-090.G.d and “and/or” added.
4-3-090.D.4.c.iii	Michael Christ	10-30-09 and 11-05-09	Multi-family and many of the intended uses at Southport are not included, creating a non-conforming use that might result in loss of shoreline armoring. Make sure existing uses- apartments and offices at the Bristol- remain compatible uses.	4-3-090.D.4.d adopts the use regulations from the underlying zoning.
4-3-090.E.3.e	Michael Christ	10-30-09	Specifically states ”Shoreline use and development shall be located and managed so that appropriate uses are neither subjected to substantial or unnecessary adverse impacts or deprived of reasonable lawful use of navigable waters.” Lose the sheet piling and what will happen to the port?	Comment noted.
4-3-090.E.5.b.i	Bill Stalzer	11-05-09	The Southport Planned Action and Master Site Plan contain approved view corridors. This should be acknowledged in subsection b.i	Reference to the Southport master site plan inserted.
4-3-090.E	Bill Stalzer	11-05-09	The reference to table 6.09 should be corrected.	Corrected to refer to section 4-3-090.E.9
4-3-090.E.6.d.i	Michael Christ	10-30-09	Walkways in shoreline vegetation are limited to 4-6 ft. but is that enough to serve the water’s edge in front of Boeing in the future? Southport walkways are 15-20 ft.	Subsection iv of this same section acknowledges that where city plans or standards specify dimensions that differ from standard they will be allowed if it best serves public access and protects ecological functions. Reference to this standard will be made in this subsection.
4-3-090.E.6.d.ii	Michael Christ	10-30-09	Why determine that public access shall be limited to 15% or 3,000 ft. whichever is greater. This could be a real problem on large sites or odd sites.	Comment noted.
4-3-090.E.6.d.ii	Bill Stalzer	11-05-09	This section addresses public access on sites that do not include vegetated open space. The Southport multiple use development is located on such a site and has approved public access components in the Southport Planned Action and/or Master Site Plan. This section should be amended to acknowledge this.	Comment noted. The City intends to include a statement in the adopting ordinance of the SMP to clearly state that vested projects, such as the Southport Master Site Plan, are still subject to the rules in place at the time of the approval.
4-3-090.E.9	David Halinen	10-30-09	Vegetation conservation buffer and setback requirements are unwise, inappropriate, and unlawful because they fail to provide for reduction in the type of circumstances documented to exist on the Old Stoneway Site and that may exist on other shorelines as well.	Comment noted. Vegetation conservation buffer and set back requirements may be modified for a number of reasons and circumstances, including the type of use proposed, the shoreline environment overlay designation, and physical hardships.
4-3-090.E.9	David Halinen	10-30-09	Building height limitations in the High Intensity Overlay along the north side of Cedar River Reach C where the underlying zoning in COR are arbitrarily, unreasonably, and unlawfully low for a site zone for 125 ft. height limits considering the site is located between two immense hills extending roughly 200 ft. high on opposite sides of the river, no views of the river from residences would be blocked, and the fact that COR zoning was historically supposed to be an inducement to AnMarCo (it’s property owner) to undertake the expensive removal and relocation of a concrete batch plant.	<p>This comment is based on the incomplete interpretation of statute and WAC that only views from public property or from substantial numbers of existing residences is the single criteria for building height. In fact there are at least six references to aesthetic and other criteria that are relevant to height.</p> <ol style="list-style-type: none"> 1) WAC 173-26-186(5)(d)(ii)(E) <u>Aesthetic</u> objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. 2) WAC 173-26-211(2)(b)(v) Promote human uses and values that are compatible with the other objectives of this section, such as public access and <u>aesthetic</u> values, provided they do not significantly adversely impact ecological functions. 3) WAC 173-26-211(4)(b)(iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the

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				<p>public's opportunity to enjoy the physical and <u>aesthetic</u> qualities of shorelines of the state, including views of the water.</p> <p>4) WAC 173-26-211 (4)(d) (iv) Adopt provisions, such as <u>maximum height limits</u>, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.</p> <p>5) WAC 173-26-211 (5)(b) Principles. The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the <u>visual and aesthetic</u> qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.</p> <p>6) WAC 173-26-211(6)(b)(i) Prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to <u>aesthetic</u> qualities, or recreational opportunities.</p> <p>Application of these concepts to height was discussed in the Technical Memorandum “Regulatory Approach Options Specifics” available at: http://rentonwa.gov/business/default.aspx?id=15508 Aesthetic issues are one of many considerations balanced in the SMP.</p>
4-3-090.E.9	Lisa Collins	11-03-09	Southport has an approved master plan that allows different height, setbacks, and impervious surface standards than proposed in the SMP.	The City intends to include a statement in the adopting ordinance of the SMP to clearly state that vested projects, such as the Southport Master Site Plan, are still subject to the rules in place at the time of the approval.
4-3-090.E.9	Michael Christ	11-05-09	The waterfront landscape buffer is not realistic in reaches G, H, and I where much of it is already carefully designed and integrated in the park or as a part of larger multifamily development.	Comment noted. Vegetation conservation buffer requirements may be modified for a number of reasons and circumstances, including the type of use proposed, the shoreline environment overlay designation, and physical hardships. The City intends to include a statement in the adopting ordinance of the SMP to clearly state that vested projects, such as the Southport Master Site Plan, are still subject to the rules in place at the time of the approval.
4-3-090.E.9	Michael Christ	11-05-09	This conflicts with provisions of other county regulations that the more restrictive shall prevail. This is dangerous language for such a far reaching document such and the SMP. One should keep the determination in the hands of Renton.	Comment noted.
4-3-090.E.9	Michael Christ and Bill Stalzer	10-30-09 and 11-05-09	The standard for impervious area within 100 ft. of the OHWM in the High Intensity designation contains a reference to Note 11. However, the content of Note 12 addresses lot coverage. Note 11 addresses impervious surface. The reference should be changed to Note 11.	Corrected.
4-3-090.E.9	Bill Stalzer	11-05-09	The standard for maximum lot coverage for buildings within 100 feet of the OWHM for the High Intensity designation contains a reference to Note 13. Note 12 and not note 13 addresses lot coverage. The reference should be changed to Note 12.	Corrected.
4-3-090.E.9 Note 3	Michael Christ and	10-30-09 and	Allows a setback of 50 ft. for water-oriented uses where the Vegetation Management Buffer is varied in the Shoreline High Intensity designation. The setbacks in the approved Southport Planned Action and Master	The City intends to include a statement in the adopting ordinance of the SMP to clearly state that vested projects, such as the Southport Master Site Plan, are still

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	Bill Stalzer	11-05-09	Site Plan differ. Note 3 should be revised to acknowledge the Southport Planned Action effective prior to August 1, 2000.	subject to the rules in place at the time of the approval.
4-3-090.E.9 Notes 7 and 8	Michael Christ and Bill Stalzer	10-30-09 and 11-05-09	The notes apply to building heights in the High Intensity designation for building located 0-100 feet from the OHWM. The notes are contradictory and the requirement should be revised such that notes 7 or 8 apply but not both.	Corrected.
4-3-090.E.9 Note 8	Michael Christ and Bill Stalzer	10-30-09 and 11-05-09	Applies to building heights in the High Intensity designation for building located 100 feet to the end of the Shoreline and in Lake Washington Reaches H and I and is complicated to the point of being unintelligible. The allowed height limits in the approved Southport Planned Action and Master Site Plan differ from the requirements in this note. Note 8 should be revised to acknowledge the Southport Planned Action effective prior to August 1, 2000.	The City intends to include a statement in the adopting ordinance of the SMP to clearly state that vested projects, such as the Southport Master Site Plan, are still subject to the rules in place at the time of the approval.
4-3-090.E.9 Note 11	Michael Christ and Bill Stalzer	10-30-09 and 11-05-09	Note 11 to the standard for impervious area within 100 feet of the OHWM allows up to 75% impervious surface in Lake Washington Reaches H and I. The allowed impervious surface exceeds 75% in the approved Southport Planned Action and Master Site Plan. Note 11 should be revised to acknowledge the Southport Planned Action effective prior to August 1, 2000.	The City intends to include a statement in the adopting ordinance of the SMP to clearly state that vested projects, such as the Southport Master Site Plan, are still subject to the rules in place at the time of the approval.
4-3-090.E.9 Note 12	Bill Stalzer	11-05-09	Note 12 allows up to 50% building coverage in Lake Washington Reaches H and I within the High Intensity Overlay District. The allowed lot coverage in the approved Southport Planned Action and Master Site Plan exceeds 50%. This should be reflected in the note.	The City intends to include a statement in the adopting ordinance of the SMP to clearly state that vested projects, such as the Southport Master Site Plan, are still subject to the rules in place at the time of the approval.
4-3-090.E.9 Note 14	Michael Christ and Bill Stalzer	10-30-09 and 11-05-09	The standard for maximum lot coverage contains a reference to Note 14. There is no note 14. If in fact the current note 13 should be note 14, there is an apparent inconsistency between the impervious surface standard and the lot coverage standard. For example, the lot coverage standards for the UC-N2 zone in the RMC 4-2 Development Standards are much greater than the 50% impervious surface limitation in this table.	Reference to note 14 corrected. For Lake Washington reach H/ or High Intensity overlay the standards should be: Impervious area within 100 ft. of OHWM: Up to 75% (reach H) Maximum lot coverage for buildings within 100ft. of OHWM: Up to 50% building coverage (Lake Washington High Intensity Overlay District) Maximum lot coverage for buildings more than 100 ft. from OHWM: Governed by underlying zoning.
4-3-090.F.3(f)	Bill Stalzer	11-05-09	The shoreline bulk standards allow a setback of 50 ft. for water-oriented uses where the Vegetation Management Buffer is varied in the Shoreline High Intensity designation. However, the Specific Use Regulations in this section require that non-water oriented dependent commercial building be locate “no closer than 100 ft. from the ordinary high water mark.” It is possible that non-water dependent commercial building could be part of a water-oriented use. Additionally the setbacks in the Southport Planned Action and Master Site Plan vary from 35 ft. to 200 ft. For consistency, this section should be revised to acknowledge the Southport Planned Action and/or Master Site Plan and to replace the phrase “non-water dependent commercial buildings” with “water oriented uses” and amend the standard from 100 to 50 ft.	The specific use standards specify that in mixed use buildings, non water-oriented uses are allowed within 100 feet of OWHM, but not on the first floor, which must be reserved for water oriented uses. The City intends to include a statement in the adopting ordinance of the SMP to clearly state that vested projects, such as the Southport Master Site Plan, are still subject to the rules in place at the time of the approval.
4-3-090.F.7	Tom Gaffney	10-21-09	Concerned about the allowed length of docks and the 8 ft. rule.	No change made. Docks are allowed to be 80 ft. long, but may be made longer through a conditional use permit in the proposed draft.
4-3-090.F.7	Charlie Conner and Anne Simpson	11-01-09	Docks should be allowed to extend sufficient length and depth for safe moorage of pleasure craft with drafts of at least 8’. Historically and in other jurisdictions this has been the case. Many areas within the cities jurisdiction have low sloping lake bottom, many of the docks need to project 200’ into the lake to get to a 12 foot depth from ordinary high water which is only 10 feet at ordinary low water. The standard should be rewritten to allow docks to be built to that length or depth maximum prior to triggering the expensive and time consuming variance process. There is already a rigorous Army Corps of Engineers process for docks of greater than 80 feet and what little science there is on salmonid and trout species identify the most important habitat as the shallow near shore spawning area. The only reason for limiting dock length would be safety for boat traffic however that in not an issue when docks throughout the lake are of that length.	No change made. Docks are allowed to be 80 ft. long, but may be made longer through a conditional use permit in the proposed draft.
4-3-099.F.7	Michael	11-05-09	Retain and allow the repair and maintenance of the shoring and docks- these get a phenomenal amount of use	Changes made to clarify the standards for repair and maintenance of docks and

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	Christ		by residents and visitors to the Southport site. Allow for preservation, repair, and maintenance of the Piling and docks and above water structures in Reaches G,H, and I. These aspects represent a minute portion of the waterfront, but constitute the greatest public benefit in terms of the entire Renton waterfront.	bulkheads.
4-3-090.F.10.f.iv	Charlie Conner	11-05-09	After having been through nearly a 1 year process to bring helicopters to parity with float planes and sea planes by making them an allowed use it makes no sense to now require a conditional use for the basing of all aircraft. There have been no complaints resulting from these operations. Making them require conditional use is a step backwards and invites abuse by those who simply want to deny other freedom to enjoy the use of their property.	Changes made to this section to include helipads as an allowed use, per the underlying zoning code.
4-3-090.G.1.e	Laurie Baker	10-21-09	Concerned with the fairness of sliding scale single-family setbacks.	Comment noted.
4-3-090.G.1.e	Jerry Brennan	10-21-09	Wants smaller setbacks.	Setbacks are proposed to be reduced for single family development from the standard 100 ft. setback and buffer to a sliding scale, based on the lot depth to allow reasonable use. The smallest setback and buffer for single family development is proposed to be 25 ft. setback, with a 15 ft. buffer for lots less than 100 ft. deep.
4-3-090.G.3	Larry Martin	11-05-09	Proposed changes would prohibit most dredging within the May Creek delta, rendering the Cugini Family docks and boathouse unusable due to build-up of sediment if the dredging prohibition precludes periodic dredging to maintain navigational access to these water-dependent features. Requests specific changes to the draft SMP that would not preclude maintenance dredging for the purpose of preserving access to the existing privately owned moorage facilities.	Changes made to allow limited maintenance dredging.
4-3-090.G.3	Larry Martin	11-05-09	Best Available Science for the Cugini property shows that prohibiting maintenance dredging will not serve the purpose of preventing environmental harm, specifically harm to fish habitat, which is the purported basis for the proposed prohibition on dredging. Federal permits issued for maintenance dredging and remodeling of the boathouse are based on actual scientific understanding of the specific conditions that will be affected by the dredging and construction activities.	Comment noted.
4-3-090.G.3	Lalena Amiotte	10-23-09 and 10-30-09	The Washington Department of Natural Resources is working on a draft Habitat Conservation Plan which will result in policy, leasing, and permitting changes on state managed aquatic lands. This document proposes to prohibit dredging on state-owned aquatic lands except where required for navigation for trade and commerce, flood control, or maintenances of water intakes. Dredging will not be allowed to access private recreational docks because it destroys habitat, affecting a large area outside the immediate dredged area. DNR is only legally required to allow dredging to maintain access to docks inside harbor areas used for commerce and navigation.	Comment noted.
4-3-090.G.3	Tom Schadt	10-21-09	The dredging of May Creek near the Cugini boathouse would have a negligible effect on the environment and would not result in a net loss of ecological functions.	Comment noted.
4-3-090.G.4	Jeff Johnson, PE	10-13-09	I recommend that you proceed with caution if you consider alternative bank protection systems or changes to the bulkhead. The Cedar River along the old Stoneway site is a high energy system and, therefore, significant bank protection features are essential to prevent the river from migrating into the site. To some, the bulkhead may be aesthetically unappealing and may be considered undesirable for habitat. However, the bottom line is that a stout and robust bank protection system must be maintained to protect the people and infrastructure that will eventually occupy the site. The bulkhead is one alternative and with proper maintenance should continue to protect the bank for decades. Other alternatives can be developed, but they all will require significant rigid works and will be very expensive to construct.	Comment noted. Review of the suitability of existing shoreline modifications is appropriate at the project specific level.
4-3-090.G.4	David Halinen	10-30-09 and 11-05-09	Requirements for the removal of existing bulkheads are overbroad, unwise, inappropriate, and unlawful. Objects to all provisions that could be the basis for a condition requiring removal of the existing bulkhead along the old Stoneway site. Cites professional letters and reports from Jeff Johnson, P.E., Carl Hadley, and	Comment noted.

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Code Section October 2009	Commenter	Date	Comment	Response
			Dr. Kindig.	
4-3-090.G.4	David Halinen	11-05-09	Suggested redlined changes to the section on Shoreline Stabilization.	Some changes made.
4-3-090.G.4	Carl Hadley	11-05-09	<p>Bulkhead removal would require shoreline protection, and “bioengineering” alternatives would be completely inadequate to protect the old Stoneway site. This would also result in the removal of existing large, mature trees, which have high environmental value to the river. Work below the ordinary high water mark (OHWM) would be necessary, which would involve state and federal permitting agencies, thus resulting in a great deal of time and unpredictability. Redevelopment project design, consulting and legal fees for such a protracted process would be very expensive. Construction costs may run from \$1,000- \$1,500 per linear foot, or between \$1,200,000 to \$1,750,000 for the 1,170 ft. long reach on the old Stoneway site.</p> <p>Riparian buffers perform many functions essential to fish survival and productivity. Under natural undisturbed conditions, the value of a riparian corridor to fish and other aquatic species varies spatially and over time. Not all natural functions of a riparian buffer are suitable or even desirable in an urban condition. The goal of an effective and appropriate SMP in an intense urban setting should be to maximize riparian functions where reasonable and to the extent practicable given site specific considerations. Given the conditions at the old Stoneway site, it is not reasonable to think that significant ecological benefit could be achieved by requiring the existing bulkhead to be replaced. While a few riparian functions along a replacement bulkhead could be minimally enhanced, the effect of bulkhead removal and replacement would cause other riparian functions to be degraded.</p>	Comment noted. Review of the suitability of existing shoreline modifications is appropriate at the project specific level. Replacement of bulkheads water ward of the OHWM is limited in the proposed SMP to properties that have overriding safety or environmental concerns, or for residences occupied prior to January 1, 1992. See RMC 4-3-090.G.4.f.iv.
4-3-090.G.4	Greg James	10-21-09	Altering or removing the bulkhead at the old Stoneway site would significantly impact the adjoining properties.	Comment noted. Review of the suitability of existing shoreline modifications is appropriate at the project specific level.
4-3-090.G.4	Michael Christ	10-30-09	The existing bulkhead and pilings at Southport must be protected, with the ability to repair and maintain it in the future. This is integral to the preservation of the upland property and the protection of the only privately held deep water port in the City of Renton	Comment noted. Changes have been added to this section to clarify the ability to repair and maintain shoreline modifications.
4-10-095	David Halinen	11-04-09	Suggested redlined changes to the section on Nonconforming uses, activities, structures, and sites.	Some changes made.
4-11-230W	Michael Christ and Bill Stalzer	10-30-09 and 11-05-09	The definition of Water Oriented/Non-water Oriented is inconsistent with the definitions in WAC 173-26-020(83) and WAC 173-26-020 (23) and should be revised as follows: “Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses. “Nonwater-oriented use” means those uses that are not water-dependent, water-related, or water-enjoyment.	Changes made.
4-11-230W	Michael Christ and Bill Stalzer	10-30-09 and 11-05-09	The term “mixed use” is used in the definition of a “water enjoyment” use in RMC 4-11-230W; however the term does not appear in the definitions in RMC 4-11-130M. The term “multiple use” does appear in RMC 4-11-130M. The definition of “water-enjoyment” in RMC 4-11-230W should be revised to replace the term “mixed use” with the term “multiple use.”	Changes made.

Renton Shoreline Master Program- Comments on the October, 2009 Draft Restoration Plan with Responses				
Section	Commenter	Date	Comment	Response
References	Kirk Lakey	10-28-09	References need to be amended to include a reference for the date from the Priority Habitat and Species (PHS) Program, to include a reference to the Green River watershed and habitat plan for WRIA 9 and to eliminate a double reference to the plan for WRIA 8.	References will be corrected.
Page 4-4	Bill Stalzer	11-05-09	The description of the Southport development in Lake Washington reach H on Table 4-1 Shoreline Restoration Strategies by Reach is incorrect and should be corrected as follow for consistency with Table 4-3-090.G.d relating to Lake Washington Reach H and approved Southport plans: “This site has an approved Planned Action and Master Site Plan for mixed use development. Buffers for vegetation management are not required due to the existing conditions on the site. Opportunities for public access along the waterfront and water oriented uses are the designated priorities.	No changes made.

Renton Shoreline Master Program- Comments on the October, 2009 Draft Cumulative Impacts Analysis with Responses				
Section	Commenter	Date	Comment	Response
Page 5-10- 5-11	David Halinen	11-05-09	Claims that future soft shoreline protection on sites east of I-405, combined with riparian vegetation, will maintain existing stability are untrue. Suggested revisions to this section are included. This claim is supported by the letter submitted at the public hearing on 10-21-09 from Jeff Johnson, P.E.	Comment noted. Review of the suitability of existing shoreline modifications is appropriate at the project specific level.
Summary	Michael Christ	11-05-09	The Cedar River as it leads into Lake Washington is a man made phenomena, the river connecting to the lake happened only as a consequence of lowering Lake Washington, and the notion of a native salmon and steelhead runs in along Renton’s shores in patently false. Furthermore the shoring in front of reaches described in the Shoreline Master Program are in many instance those which were utilized during the time when they were dropping the lake. If one looks into the ongoing debate concerning the man made and hatchery runs it seems that a significant number of scientists and fish biologists are concerned about the survival of native runs trying to compete with hatchery runs etc. It was only a couple of years ago the sockeye run was so healthy that the fishery opened the lake to angling so the over abundance of fish in the Cedar would not disturb the spawning grounds. I will leave that debate to other more qualified.	Comment noted.
	Michael Christ	11-05-09	The identification of restoration opportunities through the shoreline inventory process, and the coordination and facilitation of publicly and privately initiated restoration program is now exceeding the mandate of maintaining a balance. We need to find the balance, and when truly understood take measures to maintain habitat, while protecting the water rights of boaters, land owners and residents of the city.	WAC 173-26186(8)(c) requires a restoration plan for jurisdictions with impaired ecological functions.
	Michael Christ	11-05-09	The replacement of bulkheads is required only with substantial increases in intensity of use. This is not necessary to maintain the existing natural habitat. Reaches such as G,H, and I have bulkheads and shoring and overwater structures and water conveyance flumes which are critical to the maintenance of those land areas and improvements are of obvious benefit to the water enjoyment of our community, and the preservation if the existing harbor and shorelines. Those reaches should be removed from this section as they are unique in the lake as providing the highest public and private value as they are now. The ability to modify and continue with the boat ramp, the docks and piers including concessions and the moorage and deep water harbor are too important to place in such a broad program as is suggested n the SMP.	The replacement of bulkheads is a citywide goal meant to improve over all ecological functions. Restoration projects listed in this document are examples of projects that further this goal and provide the City with options for upholding the responsibility under the SMA to protect and restore ecological functions of shoreline natural resources. Even though the option of removing bulkheads is listed in the restoration plan, it is not a mandate. The SMP document clearly states that public access is the highest priority in reach H, and very high priorities in reaches G and I as well.

Renton Shoreline Master Program- Comments on the October, 2009 Revised Draft Shoreline Inventory and Analysis with Responses				
Section	Commenter	Date	Comment	Response
Map 11-H	Tom Gaffney	10-21-09	Gaffney property is indicated as having no dock, but a dock is there and shown clearly on the aerial photo.	Comment noted.
Pages 4-38, 4-32-4-33, 4-45	David Halinen	11-05-09	<p>Suggested revisions to the characterization of Cedar River reach C with regard to the old Stoneway site the to do the following:</p> <ul style="list-style-type: none">• recognize on-going industrial uses on the site• clarify the size of the site• eliminate the impression that the Stoneway Concrete batch plant occupied the entire site• correct the assumption that the old Stoneway site in vacant or undeveloped• clarify that the site be characterized as containing compacted dirt and crushed surfacing• recognize the conditions of the site as lacking vegetative cover and experiencing high levels of hydraulic energy from the river <p>This comment also contends that the characterization of ecological functions on this site is speculative.</p>	Comment noted.